IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TEUSDAY, THE NiNTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8275 of 1996

Between:

St. Paul's Committee Aided Elementary School, Rep. by its Correspondent T.K. Paul, Noonepalli Nandyal, Kurnool District.

..... PETITIONER

AND

1 The Govt. of A.P. rep. by Secretary to Education Department, Secretariat, Hyderabad.
2 Director of School Education, A.P., Hyderabad.
3 Dist. Educational Officer, Kurnool.
4 Commissioner Nandyal Municipality, Nandyal.
5 Deputy Inspector of Schools, Urban Range, Kurnool.
6 Commissioner Municipal Administration, Govt of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order especially in the nature of writ of mandamus declaring as illegal the action of the respondents:- i) in not re-transferring the S.G. Aided Post to the petitioner school from municipal elementary school, Nandyal Municipality; ii) in not disposing of the representation of the petitioner dated 14-8-1996 to the 3rd respondent, are illegal and arbitrary; and consequently direct the respondents particularly respondents 2 and 3 to transfer the aided S.G. Post to the petitioner's school from the school of 4th respondent.

Counsel for the Petitioner: MR.S.BHARAT KUMAR

Counsel for the Respondent No.4.: Sri K.M.Mahender Reddy, S.C. for 4th respondent

Counsel for respondents 1 to 3 & 5 and 6: G.P. for Municipal Administration

The Court made the following order:

This writ petition is filed questioning the action of the 3rd respondent in not re-transferring the Secondary Grade Aided Post to the petitioner-school from Municipal Elementary School, Nandyal, under the control of 4th respondent and not considering the representation of the petitioner dated 14-8-1996 in this regard.

The petitioner-school was established 1958 and has been recognized by the Government of Andhra Pradesh. The strength of the pupil in the school was 184 in the year 1975 and there were five aided posts and one Secondary Grade Aided Teacher Post. The petitioner claims that on the recommendation of the Addl. Deputy Inspector of Schools, the 3rd respondent by order dated 20-4-1976 transferred the post of secondary grade teacher from the petitioner-school to the Municipal Elementary School, Nandyal, which is under the control of the 4th respondent. The main grievance of the petitioner is that without considering the teacher-pupil ratio of 1:40 as envisaged in G.O.Ms.No.1 Education (P.S.2) dated 1-1-1994, the said post has been transferred from the petitioner –school and even the representation of the petitioner dated 14-2-1996 has not been considered by the 3rd respondent.

When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that though the representation of the petitioner dated 14-2-1996 has been considered as per the interim direction of this court dated 25-4-1996 and the post of Secondary Grader Teacher has been retransferred to the petitioner-school, subsequently on 18-7-1998 the said post was again withdrawn and was transferred to Mandal Elementary School, Nandyal. He further submitted that now the strength of the pupil of the petitioner-school has increased up to 600 and therefore there is every need to retransfer the post of Secondary Grade Aided Teacher to the petitioner-school.

In view of the above submission, it is clear that though the second part of the prayer of the petitioner has been considered by the respondents, the fact remains that the grievance of the petitioner has not been redressed.

The learned Government Pleader for Municipal Administration submitted that though it is stated in the counter affidavit filed in the year 1996 that the representation of the

petitioner has been considered as per the interim directions of this Court and the Secondary Grade Teacher Post has been surrendered to the petitioner-school, subject to the final orders to be passed in this writ petition, in view of the developments that have taken place from 1996, the matter has to be re-examined by the respondents, particularly in view of the increased strength of the students in the petitioner school.

Having regard to submissions of both the counsel, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to make a fresh representation to the 3rd respondent with all the relevant material for re-transferring the Secondary Grade Teacher Post to the petitioner – school and the 3rd respondent shall re-examine the issue as per the Rules and Regulations prevailing as on date and taking into consideration the strength of the students of the petitioner-school and pass appropriate orders within three months from the date of receipt of representation from the petitioner.

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9-11-2004

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To:

1. The Secretary to Education Department, Govt. of A.P.
   Secretariat, Hyderabad.
2 Director of School Education, A.P.,
   Hyderabad.
3 Dist. Educational Officer,
   Kurnool.
4 Commissioner Nandyal Municipality,
   Nandyal.
5 Deputy Inspector of Schools,
   Urban Range, Kurnool.
6 Commissioner Municipal Administration, Govt. of A.P.,
   Hyderabad.

7. Two C.Cs to G.P. for School Education, High Curt of A.P.,

Hyderabad (OUT)

8. Two C.D. copies